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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,142	07/03/2001	Yiming Ye	YOR920010322US1	1198

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EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,142

Applicant(s)

YE ET AL

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/5/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/5/2005 have been fully considered but they are not persuasive.

2. With regard to Applicant's assertion that the claimed invention, particularly adjusting a distance "according to a level of privacy" desired by individual users, is clear and enabled by the present specification (Page 7, Line 13 to Page 8, Line 18 of Remarks), the Examiner respectfully disagrees. The only section cited by Applicant as allegedly providing support for the claimed invention merely repeats the claim limitation. Nothing in the cited section discloses or even remotely suggests how the distance is adjusted "according to a level of privacy desired by individual users", as claimed. It remains unclear what role the "level of privacy" plays in adjusting the distance. Since claim 1 explicitly recites "adjusting a distance *according to* a level of privacy" (emphasis added), and nothing in the specification explains how the distance is adjusted according to the level of privacy or even what the "level of privacy" is, the claim is both indefinite and non-enabled.

Applicant is respectfully requested to specifically point out the locations in the specification which explain what role the "level of privacy" plays in adjusting the distance.

3. With regard to Applicant's assertion that Beyda "does not show adjusting a distance according to a need of a collaborative project to have some shared information about individual user activities" (Page 9, Lines 8-10 of Remarks), the Examiner respectfully disagrees. Beyda clearly shows such an operation (Col 10, Line 61 to Col 11, Line 4). In the cited section, Beyda discloses that video quality is sacrificed when system resources are low, in order to "maintain a reasonable audio quality level", thereby adjusting the distance (audio/video quality) according to a need of a collaborative project to have some shared information (at least reasonable audio) about user activities.

4. With regard to Applicant's assertion that Roy "does not show adjusting the parameters according to a level of privacy desired by the individual users" (Page 9, Lines 21-23 of Remarks), the Examiner respectfully disagrees. Roy clearly shows such an operation (Col 5, Line 55 to Col 6, Line 7). In the cited section, Roy discloses that operators may specify a level of privacy (desired quality of audio/video conference) that will influence the parameters used in the conference, such as the bandwidth used for signal transmission.

5. With regard to Applicant's assertion that Donath does not "adjust a distance according to a level of privacy desired by individual users and a need of a collaborative project" (Page 10, Lines 8-10), it is noted that the rejection of claim 1 was based on the

combination of Beyda, Roy and Donath, and this limitation is taught by Beyda and Roy, as discussed above.

Donath was merely cited to teach determining ideal parameters for a system using an elastic spring energy model. This is accomplished by specifying different constants for the correlation between users and affiliations. Once the system reaches equilibrium, the optimal parameters can be determined (Pages 4-5 and 7-8).

6. For at least the reasons cited above, Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

9. With regard to claim 1, the limitation "automatically adjusting a distance according to a level of privacy" is not described in the specification. There is no

disclosure which explains how the distance is adjusted "according to" a level of privacy, or relationship the "level of privacy" has to the distance.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. With regard to claim 1, the term "level of privacy" which renders the claim indefinite. The term "level of privacy" is not defined by the claim or the specification, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how the "level of privacy" relates to the distance adjustment.

13. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1,5,6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al. (US 6,453,336) in view of Roy (US 6,697,341) in further view of Donath ("Visual Who: Animating the affinities of an electronic community").

16. With regard to claim 1, Beyda discloses a method for automatically determining awareness settings among people in a distributed working environment comprising the steps of: receiving real-time data produced by an event (user adjustment) (Col 7, Lines 5-23); and automatically (automatic updates occur after timeouts) (Col 8, Lines 23-42) adjusting a distance (audio/video quality) according to a need of a collaborative project to have some shared information about individual user activities (video quality may be compromised to maintain audio connectivity) (Col 10, Line 61 to Col 11, Line 4). Beyda fails to disclose that the distance is adjusted according to a level of privacy desired by individual users or the use of an elastic spring energy model.

Roy discloses a similar system of adjusting the parameters of a videoconference. Roy teaches adjusting the parameters according to a level of privacy desired by individual users (desired quality of audio/video for conference) (Col 5, Line 55 to Col 6, Line 7). This would have been an advantageous addition to the system disclosed by Beyda since it would have allowed users to specify a level of privacy for the system that would have controlled the quality level of the communication streams between participants. This would have allowed the user to control costs and/or the clarity with which users could see them in a conference.

Donath teaches the use of an elastic spring energy model to determine optimal “distances” for users of a system. Each user is connected to all of the possible affiliations by various springs with differing constants that reflect the correlation between the user and the affiliation. Once all the users are connected and the system reaches equilibrium, the optimal parameters for the system can be determined (Pages 4-5 and 7-8). This would have been an advantageous addition to the system disclosed by Beyda and Roy since it would have allowed the optimal affiliation (“distance”) between users to be determined based on the preferences of each of the users and the needs of the system as a whole.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the distance according to a level of privacy desired by the users and use an elastic spring energy model to determine the optimal distance settings for the system based on the users preferences and the needs of the system as a whole.

17. With regard to claim 5, Beyda further discloses further comprising the step of dividing communications between different users into different channels (audio and video) and specifying a clearness level for each channel (video quality and audio quality can differ) (Col 10, Line 51 to Col 11, Line 4).

18. With regard to claim 6, Beyda further discloses that the elastic spring energy model is a dynamic model so that the step of automatically adjusting a distance takes

into consideration events which happen at each user's site (each user can adjust their quality level independently) (Col 7, Lines 5-23).

19. With regard to claim 8, Donath further discloses that the elastic spring energy model determines potential energy vectors which encode a user's preference on distances (the affiliations are stored in a vector) (Pages 6, "Building the profile").

20. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al. (US 6,453,336) in view of Roy (US 6,697,341) in further view of Donath ("Visual Who: Animating the affinities of an electronic community") in further view of Hattori et al. ("Socialware: Multiagent Systems for Supporting Network Communities).

21. With regard to claim 2, while the system disclosed by Beyda, Roy, and Donath shows substantial features of the claimed invention (discussed above), it fails to disclose that the step of automatically adjusting a distance is performed by a multi-agent system that automatically and selectively provides perceived information to others based on perceived events or status associated with others.

Hattori teaches the use of multiple agents to manage information about users in a community. Each user has an agent which can communicate with other agents in the system. The agents automatically recalculates the distances between users whenever a user changes their desired viewpoint weightings (Page 3,

"CommunityOrganizer"). This would have been an advantageous addition to the system taught by Beyda, Roy, and Donath since it would have allowed each user's agent to automatically communicate changes in the preferences of the user to other users in the environment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a multi-agent system to automatically adjust the distance based on changes in the user preferences and communicate the changes to other users of the system.

22. With regard to claim 3, Beyda further discloses that the elastic spring energy model governs reaction of an information system in real time when events or status changes (changes are made immediately) (Col 7, Lines 17-20).

23. With regard to claim 4, Hattori further discloses that each agent acts on its user's behalf to adjust an awareness level among different users (Each user has a personal agent) (Page 3, "CommunityOrganizer").

Allowable Subject Matter

24. Claims 7 and 9-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
7/26/2005



KRISNA LIM
PRIMARY EXAMINER